

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAURA STEWART, et al	:	CIVIL ACTION
	:	
v.	:	
	:	
JEREMY MOLL, et al	:	No. 07-1085

ORDER

AND NOW, this 10th day of May, 2010, upon consideration of Defendants, the City of Allentown, Officer Jeremy Moll, and Officer Wesley Wilcox's, Motion for Summary Judgment, the response filed in opposition and the reply thereto, it is hereby **ORDERED** that Defendants' Motion (Doc. No. 60) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

- Count IV, Plaintiffs' excessive force claims under § 1983, is dismissed in part. The estate's excessive force claim against Moll shall proceed. However, the estate's excessive force claim against Wilcox is dismissed, and Tonya Stewart's excessive force claims against Moll and Wilcox are dismissed.
- Count V, VI, VII, VIII, and IX are dismissed.
- Count XI, the estate's assault and battery claim against Moll, shall proceed to trial.
- Counts XII, XIII, and XIV are dismissed.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.